IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 22548 of 2007(H)

PETITIONERS:

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1. SUDHAKARAN, AGED 44, S/O.KUNJUKUTTYAMMA, KUNNATH HOUSE, P O PANANGATTUKARA, WADAKKANCHERRY, THRISSUR.

2. C.MANOJ KUMAR, S/O.P.P.R.MENON, CHUNGALATH HOUSE, "SREYAS", P.O.PANANGATTUKARA, WADAKKANCHERRY.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. THE CONSUMER DISPUTES REDRESSAL FORUM, THRISSUR.

2. A.V.LEO, S/O.VARGHESE, ROSE BHAVAN, P O MULLOORKARA, TALAPPILLY TALUK.

R1 BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 22548 OF 2007 - H

Dated this the 23rd day of July, 2007

J U D G M E N T

The petitioners challenge the proceedings for their arrest and detention in the civil prison in execution of the order of the Consumer Disputes Redressal Forum, Thrissur in O.P.No.104 of 1999. In execution proceedings before the Consumer Disputes Redressal Forum, the petitioners contend that they have no means to pay. By Ext.P2 order, the Forum rejected the contention and found that the petitioners do have means to pay and issued Ext.P3 notice for arrest. Ordinarily, the petitioners, who contested the matter on the ground that they have no means to pay the amount, are not entitled to any indulgence in the matter of payment of the amount. However, taking a lenient view, I dispose of this writ petition on the following terms:-

The petitioners shall pay the amount demanded in two equal monthly instalments payable on 7th August,2007 and 21st August, 2007. If the petitioners pay

the above instalments in time, further proceedings pursuant to Ext.P3 shall be kept in abeyance. However, if the petitioners commit default in payment of the amounts as directed above, the Forum shall continue proceedings pursuant to Ext.P3 without having to issue any fresh notice or proceedings to the petitioners in that regard.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007